

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-4, 6, 20-23, 25-27, and 29 are presently active in this case, Claims 1, 3, 4, 20, 22, and 23 having been amended, and Claims 28 and 30 having been canceled without prejudice or disclaimer having been added by way of the present Amendment.

Claims 1-3, 6, 20-22, and 25-30 currently stand rejected under 35 U.S.C. 103(a) as being unpatentable over Loubinoux et al. (U.S. Patent No. 6,294,036) in view of Angell, Jr. et al. (U.S. Patent No. 5,037,284), and Kuts (U.S. Patent No. 2,954,815). Claims 4 and 23 currently stands rejected under 35 U.S.C. 103(a) as being unpatentable over Loubinoux et al. in view of Angell, Jr. et al., Kuts, and Katsukura (U.S. Patent No. 6,155,306). For the reasons discussed below, the Applicants respectfully request the withdrawal of the obviousness rejections.

The subject matter of Claims 28 and 30 has been incorporated into the independent claims. Claims 1, 3, 4, 20, 22, and 23 of the present application have been amended to recite a process where a sheet passes through an impregnation device including heated rollers, where the heated rollers are driven at a lower speed of rotation than a speed at which the sheet is traveling. The Applicants submit that none of the cited references, either taken singularly or in combination, recite the limitations set forth above.

The Official Action does not cite any specific reference for the teaching of heated rollers of an impregnation device that are driven at a lower speed of rotation than a speed at

which the sheet is traveling. Regarding Claims 28 and 30, the Official Action states that “such is well-known in the molding art in order to control tape/sheet thickness. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to drive the heated rollers of Loubinoux et al at a lower speed of rotation than a speed at which the sheet is traveling in order to control the thickness of the tape/sheet of Loubinoux et al.” However, the Applicants note that the Official Action does not cite a reference for such a teaching, nor does the Official Action taken Official Notice that such a feature is “well-known in the molding art.” The Applicants respectfully request such a citation.

The Official Action notes that the Loubinoux et al. reference does not teach an impregnation device including heated rollers, and thus the Applicants submit that the Loubinoux et al. reference does not disclose heated rollers of an impregnation device that are driven at a lower speed of rotation than a speed at which the sheet is traveling, as recited in the independent claims of the present application.

The Angell, Jr. et al. reference is cited for the teaching of an impregnation device having heated rollers. However, the Angell, Jr. et al. reference makes no mention of the rotational speed of the rollers within impregnating section (20) as compared to the speed of the strand. Thus, the Applicants submit that the Angell, Jr. et al. reference does not disclose heated rollers of an impregnation device that are driven at a lower speed of rotation than a speed at which the sheet is traveling, as recited in the independent claims of the present application.

The Kuts reference is not cited for the teaching of an impregnation device. Thus, it is

believed that the Kuts reference does not disclose heated rollers of an impregnation device that are driven at a lower speed of rotation than a speed at which the sheet is traveling, as recited in the independent claims of the present application. (See column 6, lines 31-36.)

The Katsukura et al. reference is not cited for the teaching of an impregnation device. Thus, it is believed that the Katsukura et al. reference does not disclose heated rollers of an impregnation device that are driven at a lower speed of rotation than a speed at which the sheet is traveling, as recited in the independent claims of the present application.

Thus, none of the cited references, either taken singularly or in combination, teaches or suggests such a feature as expressly recited in Claims 1, 3, 4, 20, 22, and 23 of the present application.

Thus, the Applicants submit that a *prima facie* case of obviousness cannot be established in the present case based upon the presently cited reference, because the references do not teach or suggest all of the claim limitations. (See MPEP 2143.)

As noted above, the Official Action states that it is well-known in the molding art to drive heated rollers at a lower speed of rotation than a speed at which the sheet is traveling in order to control the thickness of the tape/sheet. However, the Applicants note that the Angell, Jr. et al. reference, which is cited for the teaching of the heated rollers of the impregnation device, describes controlling thickness by using a gap (28) between a roller and a blade (column 4, lines 3-7), and not the speed of the roller. Thus, it is unclear why one of ordinary skill in the art would be motivated to act in the manner suggested by the Official Action. The present application

The Applicants respectfully submits that the rejection is based on the improper application of hindsight considerations. It is well settled that it is impermissible simply to engage in hindsight reconstruction of the claimed invention, using Applicants' structure as a template and selecting elements from the references to fill in the gaps. *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991). Recognizing, after the fact, that a modification of the prior art would provide an improvement or advantage, without suggestion thereof by the prior art, rather than dictating a conclusion of obviousness, is an indication of improper application of hindsight considerations. Simplicity and hindsight are not proper criteria for resolving obviousness. *In re Warner*, 397 F.2d 1011, 154 USPQ 173 (CCPA 1967).

Therefore, the Applicants request the withdrawal of the obviousness rejection of Claims 1, 3, 4, 20, 22, and 23.

Claims 2, 6, and 29 are considered allowable for the reasons advanced for Claim 1 from which they depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed nor suggested by the applied references when those features are considered within the context of Claim 1.

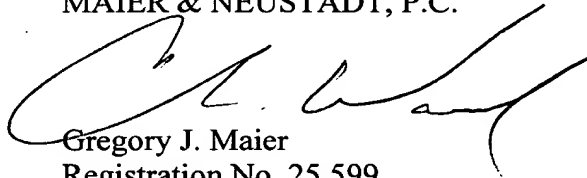
Claims 21, 26, and 27 are considered allowable for the reasons advanced for Claim 20 from which they depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed, taught, nor suggested by the applied references when those features are considered within the context of Claim 20.

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Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

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A handwritten signature in black ink, appearing to read 'G. Maier', is written over the printed name of Gregory J. Maier.

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